

MINUTES
MONROE COUNTY CONTRACTORS' EXAMINING BOARD REGULAR MEETING
Tuesday, November 19, 2013, 9:30 a.m.
Marathon Government Center

1. Call to Order/Roll Call:

Chairman Rudy Krause called the meeting to order at 9:41 a.m. Present were Steve Henson, Chris Sante, Bill Miller, Gary Centonze, and Chairman Rudy Krause.

Absent were Vice-Chair Bill Kelly, Peggy Bankester, and Alesha Scheuerman. Excused were Alternate Frank Toppino and Second Alternate Charles Miller.

Present with no roll call were Attorney Steve Williams for Lisa Granger, Attorney Thomas Wright, and Building Official/Secretary Jerry Smith.

2. Agenda Changes:

a. Chairman Krause:

1. Workers' Compensation issue regarding a letter sent out.
2. Letter from Department of Business and Professional Regulation regarding a change to F.S. 489.

3. Approval of Agenda:

Motion made by Mr. Sante to approve agenda as presented and seconded by Mr. Henson; no nay votes.

4. Approval of Minutes:

a. Regular Meeting: September 10, 2013

Motion made by Mr. Sante approving the minutes as presented and seconded by Chairman Krause; no nay votes.

5. Next Meeting Dates:

a. Regular Meeting: January 14, 2014

6. Swearing-in of Witnesses to Testify:

Attorney Wright sworn-in all of those testifying.

7. Code Compliance Cases:

- a. CE13070161 Notice of Appeal
 Stephen E. Boyett
 Stevie B's
 6-234.(c) Advertising in Monroe County without a license number

Mr. Boyett failed to appear before the Board and did not have legal representation present. Inspector Bruno requested to continue case to the January 14, 2014 hearing due to not having proper notice. After discussion, motion made by Mr. Henson and seconded by Mr. Sante APPROVING County's request to continue case due to administrative purposes to the January 14, 2014 hearing. No nay votes.

- b. CE13100109 Notice to Appear
 Argelio E. Hernandez, Jr. CGC1513913
 Sunshine Construction Group, Inc.
 6-202.(11)a Work without benefit of a permit

Mr. Hernandez failed to appear before the Board and did not have legal representation present. Good service was received at address of record with the County. Inspector Bruno DISMISSED case as she was unable to obtain witnesses to testify.

8. Staff Reports / Discussion

- a. Jerry Smith, Building Official/Board Secretary

1. Low Voltage / Alarm Permits (House Bill (HB) 973)

Summary Analysis:

This bill provides an exemption from electrical and alarm system regulatory requirements for certain in-state employees and security alarm sales representatives who do not access customer premises or alarm codes. The bill provides a further exemption from state licensure for the subcontractors of telecommunications system services. The bill extends this same exemption to employees and contractors of cable and video services.

The bill creates a streamlined low-voltage alarm system installation permitting system. The Building Department will be or has created a system to handle the new law.

- i. The contractor does not have to say where they are going to be at until they actually do the work. Then they fill out the label attached to the single-family residence.
- ii. The contractor will have 14 days to notify the building department of the completion of the work. The permit will expire one-year from day of issuance, and we will not be doing inspections.
- iii. The legislation offers to do inspection or not to do inspections. The law is very specific for single-family residences, low voltage, and it cannot be any extension of the electrical systems.
- iv. The bill creates a system whereby local building departments that require a permit for alarm system installation must provide qualified contractors a permit label in exchange for a fee not to exceed \$55.
- v. Building Departments who on January 1, 2013 charged an alarm permit fee above \$55 may charge up to \$175 until January 1, 2015.

2. Fee Schedule

- i. We are continuing to work on the Fee Schedule. It is in-progress.

3. IVR Testing

- i. Starting the testing of the IVR system with several of the contractors participating in the testing of the system before we go live in the spring, January/February, 2014.
- ii. We have the upgraded server going through to help with IVR.
- iii. Still in the process of meeting on the request for proposals (RFP) for outside agencies to provide us with additional staff members as an on-demand basis as we are short staffed.

Discussion:

Chairman Krause

1. Letter from Department of Business and Professional Regulation

- i. F.S. 489
 - a. Local code enforcement now can impose heftier penalties for confirmed unlicensed activity.
 - b. Amendments to 489 FS remove requirement of notices of non-compliance issue for first time violators, instead impose a fine.

In response to Chairman Krause's review of the amendment to FS 489, Inspector Bruno advised the Board that she will no longer issue warnings for first-time offenses to licensed contractors, she will be issuing a mandatory notice to appear.

In response to Mr. Henson's question regarding homeowners, Inspector Bruno replied that unless a homeowner works through a stop work order, there is nothing else she could do to a homeowner since the BOCC did not approve the ordinance change recommendation as proposed by the CEB. She stated that she has been working with Jerry and conducting site visits on owner/builder permits. Building Official stated that he questions every owner/builder prior to the issuance of a permit, and that Inspector Bruno receives a spreadsheet of all owner/ builder permits for investigation to ensure they are the ones performing the work. And if he has any doubts that they (homeowner) are able to physically or mentally do the work, they do not get an owner/builder.

Chairman Krause asked Inspector Bruno what happens in the event the homeowner if they do something out of scope of work. Inspector Bruno responded by stating that it depends on the situation. If the homeowner hired an unlicensed contractor, then the job would be stopped and the unlicensed contractor would get a citation and the property owner would need to hire a licensed contractor to finish the job or finish the job himself or she.

Building Official stated that we (Monroe County) are a lot tougher than other municipalities when it comes to owner/builders, and to encourage the use of licensed contractors, but if they wish to be a "clerk of the works" or "oversee the project", if an owner/ builder wishes to pull it as an owner/builder but add licensed contractors or change to licensed contractors from owner/builder, we do not charge them the (\$75) fee.

Staff Reports / Jerry Smith continued:

Discussion:

Building Official advised the Board that he has received a complaint from the state attorney's office, which has been sent to DBPR, about one of our incorporated municipality previous and current building official and the actions of the municipality. Once Attorney Williams reviews it, it will become available to the board.

Chairman Krause

Discussion:

1. Workers' Compensation

Chairman Krause asked Inspector Bruno where we now stand with citations. In response to Chairman's question, Inspector Bruno stated after receiving clarification from Attorney Williams to see if citations can be issued to unlicensed and licensed contractors, she can issue a notice to appear citation before the Board to a licensed contractor for insufficient workers' compensation insurance on the jobsite. She cannot however issue a citation to an unlicensed contractor for workers' compensation insurance.

Staff Reports continued

b. Attorney Wright

1. CEB Rules of Procedures
2. Stop Work Order

Attorney Wright requested for items to be moved to the January 14, 2014 hearing since Attorney Granger has relinquished her duties with the board to Attorney Williams.

c. Attorney Williams

Attorney Williams addressed the Board and confirmed that Attorney Granger has relinquished her position with the Board and that now he will be the new attorney for Code. Attorney Granger will be focusing on Code Compliance issues.

d. Ronda Norman, Director of Code Compliance - Nothing to report.

9. New Business

a. Construction Trades Application

1. Paul Tolli* – Addressed Board for consideration of reinstatement of expired Tile, Terrazzo, and Marble Certificate of Competency License # SP 3019 (10/31/2009) pursuant to MCC 6-240. (*Ord. No. 028-2013*). After discussion, the request for reinstatement was denied. Mr. Tolli must re-file a new application and re-test.
2. Jeffrey Roberts* – Addressed Board for consideration of reinstatement of expired Plastering Certificate of Competency License Number SP 1697 (10/31/2011) pursuant to MCC 6-240. (*Ord. No. 028-2013*). After discussion, motion was made by Mr. Sante and seconded by Mr. Centonze recommending the approval of Mr. Robert's request for reinstatement as long as Mr. Roberts pays \$600.00 for the licensure year so of 2011 - 2015 by no later than December 2, 2013. (2011-2013 = \$300.00 and 2013-2015 = \$300.00). Motion carried unanimously.
3. Juan Masson* - Addressed Board for consideration of reinstatement of his expired Landscaping Certificate of Competency License Number SP 4045 (10/31/2011) pursuant to MCC 6-240. (*Ord. No. 028-2013*). Mr. Masson was not on the agenda. After discussion, made was made by Mr. Henson and seconded by Chairman Krause for discussion to hear case based on having a fairly open and light agenda.

After discussion, motion was made by Mr. Centonze and seconded by Mr. Henson to deny Mr. Masson's request for reinstatement and he must re-file and re-test pursuant to MCC 6-237(a)(1). Motion carried unanimously.

*Appeared before Board

New Business continued after Old Business.

10. Old Business

a. CBAA:

1. Vacant Seat: Registered Architect

Approval of Appointment of Architect Peter Pike to a three (3) year term to the Construction Board of Adjustment and Appeals Committee (CBAA) was approved by the BOCC at their regularly scheduled meeting of September 17, 2013. Term begins September 17, 2013 and ends September 18, 2016

b. Longshoreman's Insurance Update/Discussion

Attorney Williams stated that he was not in the position to challenge Attorney Pedro Mercado's findings and that he would get with Attorney Wright to further discuss the matter.

After discussion and readings of Miami-Dade laws and a newsletter from the Insurance Industry from Tampa by Attorney Williams, Attorney Williams stated that he would like to first see the memorandum drafted by Attorney Wright.

11. New Business continued

a. MCC 6-198 Definitions / Certificate of Competencies

1. Welding Certificate of Competency – Certificate of competency was removed in 2004 by *Ord. No. 022-2004*. Per CEB minutes from the July 18, 2006, the Board concluded that an individual holding a valid certification by the American Associations of Welders (AWS) would need to

take the business and law (administrative) examination and the welding would be limited to the type of certification held by the individual.

No action was ever taken and this category was never reinstated back into the MCC.

After discussion, motion was made by Mr. Henson and seconded by Mr. Sante recommending reinstating this category back into the Monroe County Code 6-198. The applicant will need to first hold a valid certification by the American Associations of Welders (AWS) or its equivalent prior to applying for a Monroe County Welding Certificate of Competency. The AWS or its equivalent certification shall serve as the applicant's minimum two-years of experience and take the business and law. Applicant shall also be required to submit a valid certification prior to certificate of competency renewal and/or reinstatement. No nay votes.

2. Swimming Pool Servicing - Certificate of competency was removed in 2004 by *Ord. No.022-2004*. This is a tested category and an examination is still available. Permission requested to reinstate back into the MCC 6-198 Definitions.

After discussion, the Board took no action.

Discussion:

1. Chairman Krause addressed the Board and advised that DBPR Construction Industry Licensing Board concluded that a general contractor can build a structural pool, and they are allowed to pull a permit for the structural work of the pool only. However, all other swimming pool work shall be subcontracted to an appropriately licensed swimming pool contractor. A plumbing and/or electrical contractor may be subcontracted in their respective discipline.
2. MCC 6-25(d)
Any regular member of the contractors examining board who absents himself from any three consecutive regular meetings of the contractors examining board, unless excused from such attendance by consent of the board, expressed by action of record in its official minutes, or who is absent from a total of four regular meetings of the board in any fiscal year without having been excused from such attendance by consent of the board expressed by action of record in its official minutes shall thereby automatically forfeit his position and office as a member of the contractor's examining board; and the name of such person shall be automatically removed from the membership of the board immediately after the adjournment of any such third consecutive meeting or any such fourth meeting in any fiscal year, as the case may be, at which such member has not appeared. The board shall thereupon promptly notify the member so removed, and the board of county commissioners for the county shall thereupon appoint a new member to serve the remainder of the unexpired term for the member so removed.
3. Attorney Williams addressed the Board and advised the Board of a new law that went into effect this summer and applies to all municipal and county government boards, when we are having a hearing, they (the Board) need to ask if there is anyone from public present and if they want to speak on an agenda item. Chairman Krause asked if this clause could be added to the agenda between #7 Swearing-in of Witnesses to Testify and # 8 Code Compliance Cases.
4. Attorney Wright addressed the Board regarding ex-parte communication, and should be put on the agenda, and reminded members of the board that by law they must disclose and let it be publicly known of any contact, e-mail, phone call received regarding a matter going before the board as they are a quasi-juridical board. Attorney Williams concurred with Attorney Wright.

Chairman Krause asked the room if there were any person from the public with any input regarding today's hearing. Hearing known, moved.

c. Construction Trades Application

Read into the record:

Construction Trades Application continued

1. Paul G. Abate – Application for a Painting and Decorating Certificate of Competence. **Denied.**
 2. Steven Herbert Burn – Application for a Landscape Specialty Certificate of Competency by waiver of examination by reciprocity from Broward County. **Approved contingent receiving new reciprocity letter prior to licensure.**
 3. William Patrick Gray - Application for an Acoustical Ceiling Certificate of Competency by waiver of examination by reciprocity from Broward County. **Approved.**
 4. Miroslav Kucera – Application for a Journeyman Electrical Certificate of Competency. **Denied. Need to submit w-2's or income tax returns.**
 5. Cesar A. Menendez - Application for a Tile, Terrazzo, and Marble Certificate of Competency by waiver of examination. Mr. Menendez took and passed the business and law examination and holds a Landscape Specialty Certificate of Competency # SP 3942. **Approved.**
 6. Steven Eliot Rhodes – Application for a Painting and Decorating Certificate of Competency by waiver of examination by reciprocity from Hillsborough. **Approved.**
 7. Christian Sosa - Application for a Painting and Decorating Certificate of Competency. **Approved.**
 8. Kristopher Jude Stultz - Application for a Landscape Specialty Certificate of Competency by waiver of examination by reciprocity from Collier County. **Approved contingent receiving new acting qualifying agent authorization form.**
 9. Michael Woods – Application for a Paving Engineering Certificate of Competency. **Denied. Need to submit w-2's or income tax returns.**
12. Department of Business and Professional Regulation Case Status – Nothing to report
 13. Meeting adjourned at 12:21PM.

Odalys Mayan, License Coordinator

To request a copy of this hearing, please visit Monroe County website at www.monroecounty-fl.gov > Residents > Channel 76. <http://fl-monroecounty.civicplus.com/index.aspx?nid=121>

The Board approved the Minutes on _____ [] “as submitted” or [] “as amended.”